

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

RESOLUTION No. R2-2016-0021

Amending the Water Quality Control Plan for the San Francisco Bay Basin to Establish a Total Maximum Daily Load and Implementation Plan for Bacteria in San Francisco Bay Beaches

WHEREAS, the California Regional Water Quality Control Board, San Francisco Bay Region (Water Board), finds that:

1. The Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) is the Water Board's master water quality control planning document. It designates beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater. It also includes programs of implementation to achieve water quality objectives. The Basin Plan was duly adopted by the Water Board and approved by the State Water Resources Control Board (State Water Board), State Office of Administrative Law (OAL) and the United States Environmental Protection Agency (U.S. EPA), where required.
2. The Basin Plan may be amended in accordance with Water Code section 13240, et seq. The proposed Basin Plan amendment complies with this section.
3. Aquatic Park Beach (San Francisco); Jackrabbit, Sunnyside Cove, and Windsurfer Circle beaches (Candlestick Point, San Francisco); Crissy Field Beach (San Francisco); Parkside Aquatic and Lakeshore Park beaches (Marina Lagoon, City of San Mateo); and China Camp and McNears beaches (Marin County) have been identified under federal Clean Water Act section 303(d) as impaired water bodies due to bacteria. These beaches are collectively referred to as San Francisco Bay Beaches herein.
4. Under Clean Water Act section 303(d), the Water Board is required and authorized to establish the total maximum daily load (TMDL) for those pollutants identified as causing impairment of waters on the 303(d) list. Additionally, under Water Code section 13242, the Water Board is authorized to develop an implementation program to achieve water quality objectives.
5. A Basin Plan amendment has been prepared in accordance with Water Code section 13240 that will establish the TMDL and Implementation Plan to reduce bacteria-related risks to humans and protect water contact and non-contact beneficial uses at San Francisco Bay Beaches.
6. The Basin Plan amendment includes requirements to implement wasteload allocations for urban runoff through municipal stormwater NPDES permits. The Water Board intends to establish permit requirements to attain the wasteload allocations through implementation of best management practices in lieu of numeric limits, because the wasteload allocations are not designed to be directly implemented as numeric limits.
7. The Basin Plan amendment, including specifications on its physical placement in the Basin Plan, is set forth in Exhibit A hereto.

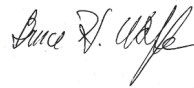
8. The scientific basis for the regulatory elements of the proposed Basin Plan amendment was subjected to an independent, external peer review by Professor Patricia Holden and Professor Peter Strom, pursuant to the requirements of Health and Safety Code section 57004.
9. On January 15, 2016, the Water Board publicly noticed the proposed Basin Plan amendment and distributed the proposed Basin Plan amendment, supporting Staff Report, and Environmental Checklist for public review and comment in accordance with applicable State and federal environmental laws and regulations.
10. The process of basin planning has been certified by the Secretary for Resources as exempt from the requirement of the California Environmental Quality Act (CEQA) (Pub. Res. Code § 21080.5) to prepare an Environmental Impact Report or Negative Declaration.
11. The Basin Plan amendment package includes a Staff Report, an Environmental Checklist, an assessment of the potential environmental impacts of the Basin Plan amendment, and a discussion of alternatives and cumulative impacts. The Basin Plan amendment, Environmental Checklist, Staff Report, and supporting documentation serve as a substitute environmental document under the Water Board's certified regulatory program.
12. The Water Board has duly considered the Environmental Checklist, Staff Report, and supporting documentation with respect to environmental impacts and finds that the proposed Basin Plan amendment will not have a significant impact on the environment. The Water Board further finds, based on consideration of the record as a whole, that there is no potential for significant adverse effect, either individually or cumulatively, on wildlife as a result of the proposed Basin Plan Amendment.
13. The Water Board has also considered the environmental analysis in the Staff Report and the Environmental Checklist of the reasonably foreseeable methods of compliance with the Basin Plan amendment, including economic impacts.
14. The Water Board has carefully considered all comments and testimony received, including responses thereto, on the Basin Plan amendment, as well as all of the evidence in the administrative record.
15. The Basin Plan amendment must be submitted for review and approval by the State Water Board, OAL, and U.S. EPA. Once approved by the State Water Board, the amendment is submitted to OAL and U.S. EPA. The Basin Plan amendment will become effective upon approval by OAL and U.S. EPA.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The Water Board adopts the Basin Plan amendment as set forth in Exhibit A hereto.
2. The Executive Officer is directed to forward copies of the Basin Plan amendment to the State Water Board in accordance with the requirements of Water Code section 13245.

3. The Water Board requests that the State Water Board approve the Basin Plan amendment in accordance with the requirements of Water Code sections 13245 and 13246 and forward it to OAL and U.S.EPA for approval.
4. If, during the approval process, Water Board staff, the State Water Board, or OAL determines that minor, non-substantive corrections to the language of the amendment are needed for clarity or consistency, the Executive Officer may make such changes and shall inform the Water Board of any such changes.
5. Because the Basin Plan amendment will involve no potential for significant adverse effect, either individually or cumulatively, on wildlife, the Executive Officer is directed to sign a CEQA Filing Fee No Effect Determination Form and to submit the exemption in lieu of payment of the California Department of Fish and Wildlife CEQA filing fee.

I, Bruce H. Wolfe, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on April 13, 2016.



Digitally signed by Bruce H. Wolfe
DN: cn=Bruce H. Wolfe, o=SWRCB,
ou=Region 2,
email=bwolfe@waterboards.ca.gov
, c=US
Date: 2016.04.14 13:25:34 -07'00'

BRUCE H. WOLFE
Executive Officer

Attachment:

Exhibit A – Basin Plan Amendment to Establish a Total Maximum Daily Load and Implementation Plan for Bacteria in San Francisco Bay Beaches